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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,022	04/14/2004	Philip Nathanael Jedele	2448-000012	6013

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,022

Applicant(s)

JEDELE, PHILIP NATHANAEL

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 11, 2006 has been entered.

2. Acknowledgment is made in the receipt of the amendment filed August 22, 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed disclosure fails to provide support for the recitation: "said aperture being sized to receive a shank of said tool and enabling the shank to be moved in said aperture for enabling said tool for machining of said first wall, second wall or pair of said bridge sides". It is noted that page 7 lines 16-18 appear to disclose that the size of the aperture is in fact minimized since it need only be large enough to receive the tool shaft. The shank of a tool is usually the portion received in a chuck or other holding apparatus, as with a drill bit. As such the best possible art will be applied to the claims as they appear.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, 4-7, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,749,066 to Garrett et al. in view of US 6,173,819 to Meiss et al.

Re-claims 1, 4, 7 and 10, Garrett et al. teach a brake caliper, comprising: a one piece body, the body has a first wall 28/28c, an opposing second wall (interior face of 30), a pair of bridges 26, each bridge is located at a lateral end of the one piece body to connect the first and second wall; the first wall includes a bore for receiving a piston assembly; an opening is formed between the first wall, second wall and the pair of bridge sides, the opening spans between the pair of bridges sides forming a continuous opening between the bridge sides such that the bore is accessible through the opening for enabling access into the body; the second wall 30 has a pair of apertures 30e that are continuous with the opening, the opening is sized to receive a tool (such as

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a drill bit for forming holes 28b in the first wall, or other tool element) from a perpendicular direction (i.e. downwardly), the aperture is formed with a step and as such is wider on one side and is thus capable of receiving a shank of the tool (the shank may constitute the chuck of a drill holding the drill bit) enabling the shank to be moved for machining the first wall (thus machining holes 28b in the first wall); the caliper assembly further comprises a first and second brake pad 34; grooves 20a formed in the first wall 28 enable a coupling with a knuckle, see column 3 lines 4-13. However, Garrett et al. fail to teach the caliper provided with a pair of bores in the first wall.

Meiss et al. teach a brake caliper capable of having either one bore or a dual bore piston assembly. The dual bore piston assembly results in an increased braking performance, see column 3 lines 28-29. It would have been obvious to one of ordinary skill in the art to have provided the brake caliper assembly of Garrett et al. with two bores for the piston assembly as taught by Meiss et al., thus increasing the braking performance of the brake assembly.

Re-claims 2 and 12, the bridge sides of Garrett et al. as modified by Meiss et al. define a centroid aligned with the centers of the two bores, this will enable tension deflection consistent with the instant invention.

Re-claims 5 and 11, a wall section 30b separates the pair of apertures, wall 30 receives a pad pin 46.

Re-claims 6 and 15, the apertures are U-shaped.

Re-claim 9, groove 20a is interpreted as a bridge side aperture.

Re-claim 14, see figure 1, the pad abutment is above a pad friction center.

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8. Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. in view of Meiss et al.

Re-claims 3, 8 and 13, Garrett et al. as modified by Meiss et al. fail to specify the desired thickness of the bridge sides as being between 8 mm to 14 mm. It is the opinion of the examiner that the thicknesses of the bridge sections would depend upon the size of the caliper and the intended use of the caliper, such as for a small vehicle or a large vehicle. It would have been obvious to one of ordinary skill in the art as a matter of design choice to have sized the bridge sections of Garrett et al. between 8 mm and 14 mm as warranted by the intended use, and since applicant has not disclosed that having the bridge sections sized between 8 mm and 14 mm solves any stated problem or is for any particular purpose and it appears that the caliper with bridge sections between 8 mm and 14 mm thick would have performed equally well in the apparatus of Garrett et al.

Response to Arguments

9. Applicant's arguments filed July 13, 2006 and August 22, 2006 have been fully considered but they are not persuasive. The claim merely requires that the opening be sized to receive a tool for performing a machining operation. As stated above the opening and aperture of Garrett et al. is capable of receiving a tool, such as a drill bit for machining the first wall and thus form holes 28b that will eventually receive bolts 46. The recitation "said opening sized to receive a tool" is interpreted as functional language only. As such any opening deemed large enough to accommodate a tool element would be interpreted as being sized to receive a tool.

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Conclusion

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

October 18, 2006

**THOMAS J. WILLIAMS
PRIMARY EXAMINER**

Thomas Williams
AU 3683
10-18-06